

EX PARTE OR LATE FILED  
DOW, LOHNES & ALBERTSON, PLLC  
ATTORNEYS AT LAW

J.G. HARRINGTON  
DIRECT DIAL 202-776-2818  
jharrington@dlalaw.com

WASHINGTON, D.C.  
1200 NEW HAMPSHIRE AVENUE, N.W. - SUITE 800 - WASHINGTON, D.C. 20036.6802  
TELEPHONE 202-776-2000 • FACSIMILE 202.776.2222

ORIGINAL  
ORIGINAL  
ONE RAVINIA DRIVE - SUITE 7600  
ATLANTA, GEORGIA 30346-2108  
TELEPHONE 770-901-8800  
FACSIMILE 770-901-8874

November 27, 2002

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 - 12th Street, SW, Room 8B201  
Washington, DC 20554

RECEIVED  
NOV 27 2002  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Petition of the Connecticut Department of Public Utility Control for Authority to  
Conduct a Voluntary Unassigned Number Porting  
CC Docket No. 96-98, NSD File No. L-01-86, DA 01-1210  
**Notice of Written Ex Parte Communication**

Dear Ms. Dortch:

In accordance with the requirements of Section 1.1206 of the Commission's rules, I am submitting herewith two copies of a written ex parte communication made by this office today on behalf of Cox Communications, Inc. to William Maher, Chief of the Wireline Competition Bureau in the above-referenced proceeding. A copy of this notice also is being provided to Mr. Maher.

Please inform me if any questions should arise in connection with this filing.

Respectfully submitted,



J.G. Harrington

Counsel to Cox Virginia Telcom, Inc.

JGH/mwh  
cc (w/o encl.): William Maher

No. of Copies made 0+1  
List ABOVE

DOW, LOHNES & ALBERTSON, PLLC  
ATTORNEYS AT LAW

J.G.HARRINGTON  
DIRECT DIAL 202-776-2818  
jharrington@dla1aw.com

WASHINGTON, D.C.  
1200 NEW HAMPSHIRE AVENUE, N.W. • SUITE 800 • WASHINGTON, D.C. 20036-6802  
TELEPHONE 202.776.2000 • FACSIMILE 202.776-2222

ONERAVINIA DRIVE, SUITE 1600  
ATLANTA, GEORGIA 30346-2108  
TELEPHONE 770-901-8800  
FACSIMILE 770-901-8874

November 27, 2002

William Maher  
Chief, Wireline Competition Bureau  
Federal Communications Commission  
Portals II  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Petition of the Connecticut Department of Public Utility Control for Authority to  
Conduct a Voluntary Unassigned Number Porting  
CC Docket No. 96-98, NSD File No. L-01-86, DA 01-1210  
**Written Ex Parte Communication**

Dear Mr. Maher:

Cox Communications, Inc. (Cox) submits this ex parte communication in above-referenced proceeding.<sup>1</sup> This letter is filed in response to the November 1, 2002, filing by the Connecticut Department of Public Utility Control (DPUC) describing its now-ongoing trial of "Modified UNP" and to the DPUC's discussion of Cox's concerns about the proposed conduct of the trial. For the reasons described below, Cox urges the Commission to provide detailed guidance to the DPUC as to the next steps in the trial, including definite start and end dates.

The DPUC was granted permission by the FCC to conduct a voluntary trial of Unassigned Number Porting (UNP) in May, 2001. Unfortunately, industry resistance has made it virtually impossible for the DPUC to do so thus far, and is likely to prevent any true trial of UNP in Connecticut from ever being conducted.

The DPUC proposed "Business Rules" for a UNP trial and asked the industry to comment upon them. The industry instead designed its own plan, which is described by the DPUC in its November 1 letter. As the letter indicates, the trial actually consists of 10-number block pooling, dubbed "Modified UNP." It bears no relation to the DPUC's original proposal or the FCC's definition of UNP. In fact, the trial at one point was entitled 10-number block pooling, but the industry felt this would be too easily confused with 1000-block number pooling. It cannot be disputed that pooling works; thus there is no reason to perform another trial of the existing technology. However, the industry in Connecticut, with a few notable exceptions such

---

<sup>1</sup> Cox is the parent company of Cox Connecticut Telcom, L.L.C., which is certificated to provide local telephone service in Connecticut. The filing is made on behalf of Cox, rather than its Connecticut affiliate, because number optimization and, specifically, the issues raised in this letter affect other Cox affiliates that offer facilities-based telephone service nationwide.

as Cox, flatly refused to do a trial of UNP until 10-number block pooling proves that UNP will be an effective number optimization measure.

The irony, of course, is that a 10-number block trial will tell the industry nothing about the effectiveness of UNP as a number optimization measure. In fact, UNP and 10-number block pooling are qualitatively different. Most notably, the 10-number block trial requires carriers to obtain numbers from an administrator, while UNP requests are filled from existing carrier inventories. This difference is significant because one of the number optimization benefits of UNP is returning stranded numbers for use by customers, which does not occur in number pooling. Ten-number block pooling, particularly when the upper limit of requests is 500, will only tell the FCC that carriers are willing to take numbers in quantities of less than 1,000. Of course, carriers that are allocated contaminated blocks already take numbers in quantities of less than 1,000. The 10-number block trial also will not permit the FCC to evaluate the consumer benefits of UNP, including enhanced area code lives and the ability to obtain any unused number, not just numbers from the blocks assigned to a particular carrier.

Eighteen (18) months passed between the date the FCC granted authority for a UNP trial and the date the 10-number block pooling trial finally was initiated on November 1, 2002. Rather than recounting the industry's foot-dragging at length, Cox attaches letters it filed at the DPUC in December, 2001 and August, 2002.<sup>2</sup> As these letters describe, it is clear that the industry thwarted the intentions of both the FCC and the DPUC, and attempted to hold the DPUC hostage by threatening not to participate in a UNP trial unless the DPUC would accept its tortured definition of UNP.

Cox urges the FCC or the Wireline Competition Bureau to reply expeditiously to the DPUC letter, and to reinforce its goal of testing the effectiveness of "LJ" as a number optimization measure. The current industry plan is to review the results of 10-number block pooling three months after its inception, and then to decide whether or not to trial UNP. What the industry appears to have ignored, however, is that this 10-number block trial is merely a more granular version of the existing number pooling. It seems extremely unlikely to Cox that the already uncooperative industry will agree to conduct a real UNP trial based on the results of a 10-number block trial that tells them nothing about the effectiveness of UNP.

In the unlikely event, however, that the industry ultimately agrees to a real UNP trial, the FCC should bear in mind the 18 months it took to get this point; any additional delay would be unacceptable, especially considering that many other state regulators have expressed a strong interest in the results of this trial. Therefore, the Commission should spell out its expectations to the DPUC and Connecticut industry and include a time frame with a definite start date and end date for the trial. If necessary, the Commission should approve a mandatory trial of true UNP in another state, with firm deadlines. Voluntary trials have worked in the past, but only when the

---

<sup>2</sup> The DPUC included its response to the latter of these two letters in its November 1, 2002 filing with the FCC. No response was received to Cox's December, 2001 letter.

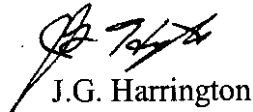
William Maher  
Chief, Wireline Competition Bureau  
November 27, 2002  
Page 3

will of the Commission is clear. Cox urges the Commission to provide the DPUC and the Connecticut industry with clear, unambiguous direction on how to proceed.

In accordance with the requirements of Section 1.1206 of the Commission's rules, an original and one copy of this written ex parte communication are being submitted to the Secretary's office on this date.

Thank you for your attention to this matter

Respectfully submitted,



J.G. Harrington

Counsel to Cox Communications, Inc.

JGH/mwh  
Attachments

**ATTACHMENT 1**

COX DECEMBER, 2001 LETTER

December 17, 2001

**VIA WEB-BASED FILING SYSTEM AND FEDERAL EXPRESS**

Ms. Louise Rickard  
Acting Executive Secretary  
State of Connecticut  
Department of Public Utility Control  
10 Franklin Square  
New Britain, Connecticut 06051

Re: Docket No. 01-05-18 – DPUC Intent to Conduct a Voluntary Unassigned  
Number Porting (UNP) Trial

Dear Secretary Rickard:

Cox Connecticut Telcom, L.L.C. ("Cox") presents herewith this letter in lieu of written comments to be included in the Department of Public Utility Control's ("Department's") record of its Federal Communications Commission- ("FCC"-) approved trial of Unassigned Number Porting ("UNP"). Cox wishes to express to the Department its grave concerns with the decisions reached by industry members on the structure and timing of the trial.

Cox has participated actively in the Department's requests for comments, the technical conferences and the subsequent conference calls of regulatory and technical subcommittees that were formed in response to the Department's proposal for conducting the UNP trial.

First, Cox notes that neither the Regulatory nor the Technical subcommittee has discussed in any detail the specific proposal, also referred to as the "Draft UNP Business Rules," released by the Department on September 17, 2001. The full group of industry participants decided to forego filing comments on the Department's proposal because the subcommittees were to develop a complete, consensus agreement on a trial plan. Cox did not object to the industry's decision not to file comments because the Department's proposal was essentially identical to the North American Numbering Council ("NANC) Business Rules that Cox helped to write. Cox was of the impression that the Connecticut trial would be conducted according to those rules, or in a manner substantially similar. That does not appear to be the case at present.

Over strong and repeated objection by Cox, the industry ultimately agreed to a trial that scarcely resembles Unassigned Number Porting as defined by the Department and the FCC and as commonly understood within the industry. The trial proposed by the industry amounts to pooling in blocks less than 1000 numbers, specifically, in IO-number blocks. The industry initially decided upon a three-phase approach, the first phase being a "paper trial" under which Neustar, in its role as administrator would review all

applications for resources in Connecticut in the last year, and compare those applications with Numbering Resources Utilization and Forecast ("NRUF) reports. The goal of this first phase was to identify instances where UNP might have been used in lieu of a carrier being assigned a full 1000 block or Central Office ("CO) Code. Neustar was not to attempt to predict any extension in the life of Connecticut area codes, but merely to provide a raw number of potential UNP applications.

The industry subsequently forbade Neustar from performing this analysis. The purported rationale for not allowing Neustar to proceed with this analysis was that the results might not be valid; it was possible and likely that the results would overstate the number of instances that carriers actually would have used UNP. Cox suggests an alternate view, which is that opponents of UNP do not want any information in the Department's record that would even hint at the utility of UNP as a number conservation measure.

The trial's second phase, as decided by the industry despite Cox's strong objection, is pooling in blocks of 10 numbers. Carriers would apply for resources in the same manner as for a 1000 block, but, since the trial is voluntary, if the carrier needed less than 500 numbers for growth or footprint, it could elect to take fewer numbers. The carrier would receive sequential numbers, in minimum intervals of 10 numbers, up to the 500-number maximum. Neustar, acting as both the pooling administrator and the trial administrator, would fill the request from a contaminated block that it selected and designated for the trial. As currently envisioned, "Phase 2 would be evaluated after three months, and a decision on whether to discontinue the trial, continue or modify "Phase 2," or move to "Phase 3 would be made.

Not until "Phase 3 would UNP, as described by the FCC, as proposed by this Department, and as discussed at national forums such as NANC and the Industry Numbering Committee be trialed, if at all. The FCC, in FCC 00-104, said, "... UNP is a self-help mechanism for carriers with numbering resources to make them available to carriers that do not have resources. With ITN pooling, allocations would be accomplished through an administrator, to co-ordinate the allocation of individual numbers to a porting provider with the NPAC. With UNP, however, allocation of individual telephone numbers would be accomplished between *service* providers by using established porting mechanisms, and would not involve a third-party administrator."

Only "Phase 3 involves carrier-to-carrier exchanges of numbers in inventory for use by the receiving carrier as growth (customer request) or footprint resources. Further, the industry group developing a trial plan for presentation to the Department will not agree to conduct Phase 3 of the trial regardless of the results of Phase 2.

Cox's specific concerns about this approach are as follows:

- "Phase 2 is not UNP, but only pooling in blocks of 10. The industry members who participated in the Department's December 7, 2001, technical meeting acknowledged that "Phase 2 is not UNP, and struggled to find another name and acronym for what is going to be done in Connecticut. Neustar called the process Unassigned Number *Pooling*. but the participants felt that designation would be confusing because it sounded too much like Unassigned Number Porting. The industry agrees that there are no new

technical issues associated with implementing "Phase 2." As such, Cox questions whether "Phase 2" is in fact a trial or a redundancy.

- The telecommunications industry is contracting, with carriers leaving the market almost daily. Given that, as well as the fact that competition has existed in Connecticut's local telephone market for five years, it is highly likely that no applications for Unassigned Number Pooling/10-number block pooling for footprint resources will be received during Phase 2 of the trial. Assuming that this is the case, it is unlikely that the industry will agree to proceed with Phase 3 of the trial, which is the only true test of UNP.
- Carriers have six months of numbering resources in inventory. Again, it is likely that few if any applications for Unassigned Number Pooling/10-number block pooling for growth resources will be received prior to the three-month review of Phase 2. This could lead to a premature and foolish discontinuation of the trial.
- Limiting Unassigned Number Pooling/10-number block pooling to a single block in a rate center precludes carriers from accessing numbers to satisfy a customer request that might demand numbers from a specific 1000 block for technical reasons. The carrier's only recourse would be to apply for a full block in cases where perhaps 100 numbers would be sufficient. And, as the trial is currently contemplated, there would be no provision for Neustar to track those instances in which a carrier requests a 1000-number block when 100 numbers would suffice.
- "Phase 3" is the actual trial of UNP—Unassigned Number Porting—and has inherent in it opportunities for numbering resources optimization that are not possible in "Phase 2." Numbers stranded and unused in carrier inventories, the single biggest cause of low utilization rates nationwide, can only be mined in "Phase 3." It is important to note that stranded numbers are repeatedly mentioned by both the FCC and the DPUC as a reason to at least experiment with UNP.
- "Phase 3," if agreed to, might not commence until as late as 2003. As it currently stands, "Phase 2" will not begin until mid-February, and only then because Neustar is anxiously advocating for the trial to commence prior to the roll-out of National Thousands Block Pooling. The very earliest a review of "Phase 2" will be completed, consequently, is July, 2002. Industry experience, however, indicates that date would be extremely ambitious and optimistic. Meanwhile, the industry has decided it will not do any further work on developing a plan or business rules for UNP until experience is gained with Unassigned Number Pooling/10-number block pooling.

In granting the Department the right to conduct a UNP trial, the FCC asked the Department for information on eight far-ranging areas of concern. While the DPUC might be able to provide answers to the questions as they are written, Cox stresses that the FCC has a particular view of what constitutes UNP. It is difficult to see how the DPUC can supply the FCC with relevant details at this time, since the trial—in no uncertain terms—is not testing Unassigned Numbering Porting. No one disputed this fact during the December 7, 2001 industry technical meeting or in any of the prior Department comment cycles.

Further, the DPUC asked for Written Comments to address "1) the degree of detail present in the proposed UNP Business Rules (note: the Department provided



copies of the business rules drafted in the wake of the successful MCI-Focal UNP trial conducted in 1999/2000.)....; 2) the adequacy of the proposed UNP Business Rules...; and 3) any other relevant comments." The agreement not to file Written Comments by the Department-requested deadline did not relieve the industry participants of their obligation to use the proposed UNP Business Rules as an outline for the conduct of the trial. The DPUC clearly expected a UNP trial, not a IO-block number pooling trial.

Cox appreciates the opportunity to augment the record in this proceeding. Cox respectfully requests that the Department direct the industry and Neustar to conduct a UNP trial immediately. In the alternative, Cox requests the Department to order industry to continue developing a process for a UNP trial to commence not more than 90 days after the introduction of IO-number block pooling. Anything less than a real trial of UNP is unacceptable, and should be viewed as such by the DPUC and the FCC.

Cox respectfully submits an original and nine (9) copies of this letter in lieu of comments. Copies of this filing are being served on all parties to this proceeding in accordance with the Department's regulations.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jennifer J. Marrapese  
Vice President, Regulatory Affairs

cc: Active Party Service List  
Brian T. FitzGerald, Esquire

**ATTACHMENT 2**

COX AUGUST, 2002 LETTER



Cox Connecticut Telcom, L.L.C.  
D/b/a Cox Communications  
111 Comstock Parkway  
Cranston, Rhode Island 02921

August 29, 2002

**VIA WEB FILING & REGULAR MAIL**

Ms. Louise E. Rickard,  
Executive Secretary  
Connecticut Department of Public Utility Control  
Ten Franklin Square  
New Britain, Connecticut 06051

Re: Docket No. 01-05-18 – DPUC Intent to Conduct a Voluntary Unassigned  
Number Porting (UNP) Trial

Dear Secretary Rickard:

Cox Connecticut Telcom, L.L.C. (“Cox”) submits this letter in lieu of written comments in the above-referenced proceeding to petition the Connecticut Department of Public Utility Control (“Department” or “DPUC”) to direct the industry to implement an Unassigned Number Porting (UNP) trial immediately, to be run concurrently with the previously proposed “Modified UNP” trial, or in the alternative, to direct the industry to develop guidelines for a UNP trial by year-end 2002, for implementation **30** days after completion of said guidelines.

Commencement of a UNP trial is long overdue. As evidenced by its petition to the Federal Communications Commission (“FCC”) to conduct a UNP trial, which was granted well over a year ago, the Department has been a consistent leader in local telephone service competition and, more specifically, number resource conservation and optimization efforts. Unfortunately, industry foot-dragging on UNP has resulted in a year of talking – but no action – while the nation has been awaiting the Connecticut trial. Without prompt action by the Department, another year could be spent on nothing but further, redundant industry debate about the merits of UNP, without an unassigned number ever being ported from carrier to carrier. The industry has, for the past year, stood in the way **of** the Department’s attempt to be a national leader in number conservation policy.

On December 17, 2001, Cox submitted a letter in this proceeding urging the Department to direct the industry and Neustar to conduct a UNP trial immediately. In that letter, Cox outlined in detail its concerns about the "modified UNP" trial being proposed by the Connecticut industry group. Rather than reiterate at length these concerns, Cox incorporates them into this letter by reference. In short, that letter articulated Cox's belief that the industry has attempted to thwart the DPUC's trial by defining a new form of "modified UNP," which is nothing more than number pooling using blocks of 10 numbers.

The Department did not formally respond to Cox's concerns. At the time, the Department believed that a "surrogate UNP trial" would begin in February, 2002. In a letter to the FCC on December 21, 2001, the Department urged the FCC to grant Neustar permission to administer the trial, stating, "[s]ince it is CTDPU's intention to commence its UNP trial in February 2002, a prompt response to this request is appreciated."

The industry group continued to meet to refine guidelines for the surrogate trial using blocks of 10 from contaminated 1000 blocks in existing number pools. Discussions dragged on until, at its February 26, 2002 meeting, the group projected that its April 1, 2002 start date (already beyond the DPUC's expectation) would be missed. Neustar could not submit a change order request to the FCC for the trial until the guidelines were complete, and it could accurately describe the scope and impact. As a result, Neustar did not submit the request until March 8, 2002.

Even after the request was submitted, the industry group continued to revise the surrogate trial guidelines into April. However, since the October 23, 2001 Regulatory Subcommittee meeting, work on an actual UNP trial has effectively ceased.

Not only did the industry group refuse to do a *UNP* trial until after the surrogate UNP trial results were analyzed; it also refused to do any additional work on the DPUC's proposed Business Rules for such a trial. Since it took more than five months to develop the guidelines for the surrogate trial, it is reasonable that the group should continue to refine the Business rules in preparation for the real UNP trial. Moreover, the group will not analyze the results of the 10-number-blockpooling trial until three months after the official start date. The meaning of the results could be debated for months, but even if the modified trial proved beyond a shadow of a doubt that UNP would be an effective number optimization measure, it could take an additional five months for the industry to reach consensus on the Business Rules. There is no need to wait until the surrogate UNP trial is complete before finalizing the Business Rules for a real UNP trial. Unless the industry works on the two trials concurrently, results from a real UNP trial will not likely be available for at least another year, if not longer.

Ms. Louise E. Rickard  
August 29, 2002  
Page 3

In conclusion, under the current plan, *UNP* cannot be trialed at all until 2003. As it stands, it has been 16 months since the FCC granted permission for the trial. Industry reluctance and foot-dragging have influenced and delayed the process of developing a true UNP trial and there is no reason to expect it will be any different going forward. The DPUC can assure that the UNP trial occurs in a much more timely and useful fashion by ordering the simultaneous and immediate implementation of both a 10-number-block pooling trial and a real UNP trial. At the very least, the Department should order the industry to finalize guidelines for the UNP trial by year-end 2002. The Department also should direct carriers who wish to participate in the trial to implement the trial within 30 days of the completion of the guidelines.

Cox respectfully submits an original and nine (9) copies of this letter in lieu of comments. Copies of this filing are being served on all parties to this proceeding in accordance with the Department's regulations.

If you have any questions, please do not hesitate to contact me at (401) 383-2204.

Sincerely,

Jennifer J. Marrapese  
Vice President, Regulatory Affairs

cc: Active Party Service List  
~~Brian~~ T. Fitzgerald, Esq.